

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

## **MEMORANDUM AND ORDER**

This matter is before the Court on movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. The motion will be dismissed.

On October 2, 2007, movant pled guilty to conspiracy to distribute in excess of 5 kilograms of cocaine. On January 17, 2008, the Court sentenced movant to 168 months' imprisonment, to run concurrent to the sentence movant was serving in the case United States v. Majeed, 4:02-CR-495 CDP.

On June 1, 2009, movant filed the instant § 2255 motion. Movant's single ground for relief is that the Bureau of Prisons has inappropriately computed his sentence. Movant claims that the BOP has not given him the appropriate credit for his time served on the previous case, and he maintains that he will be imprisoned for approximately seventeen months longer than he should be.

Claims regarding the computation of prison sentences are not cognizable under § 2255, but are appropriately raised under 28 U.S.C. § 2241. E.g., Barden v. Keohane, 921 F.2d 476, 478-79 (3rd Cir. 1990) (collecting cases). Section 2241 petitions must be brought in the district court where

the petitioner is incarcerated and name the warden of the federal facility as respondent. 28 U.S.C. § 2241(a).

Movant is incarcerated at FCI Forrest City, in Forrest City, Arkansas. FCI Forrest City is located in the Eastern District of Arkansas. As a result, this Court lacks subject matter jurisdiction over this action.

Accordingly,

**IT IS HEREBY ORDERED** that movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED** pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure. [Doc. 1]

An Order of Dismissal shall accompany this Memorandum and Order.



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CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of June, 2009.